IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22225 of 2006

DATED: 27.10.2006

Between:

The National Mazdoor Union (APSRTC)
Yemmiganur Depot,
Yemmiganur, Kurnool
Rep by its Secretary A.Venkat Reddy and others petitioners

And
APSRTC,

Rep by its managing Director,
Musheerabad, Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 22225 of 2006

Oral order:

The present writ petition is filed questioning the order No.P2/810(2)/2006-YMG dated 20.10.2006 passed by the third respondent ordering to recover fine amounts from the salaries of 150 employees in 12 monthly instalments commencing from the month of October, 2006, salary payable on 28.10.2006.

The impugned order dated 20.10.2006 was passed ordering for recovery of fine on the ground that the members of the petitioner-union have participated in lightning strike from 1.9.2006 to 6.9.2006 protesting the rationalisation of bus schedules, resulting in the bus services coming to a standstill and cancellation of 52989 Kms., and suffering of loss of revenue to a tune of Rs.5,72,757/-. The petitioners contend that the recovery order is illegal and against the principles of natural justice. Hence, the present writ petition.

The learned standing counsel for respondent-corporation submitted that as against the impugned orders dated 20.10.2006 an appeal lies to the Divisional Manager, Kurnool within two months from the date of exhibition of the impugned order, and the remedy of appeal, is also clearly mentioned in the impugned order.

Heard the learned counsel for petitioner and learned standing counsel for respondent-corporation.

Since against the impugned order, an alternative remedy of

appeal lies to the 2nd respondent, namely Divisional Manager, Kurnool, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following direction:

The petitioners are directed to prefer an appeal to the appellate authority-second respondent within a period of one week from today. On filing such an appeal, the second respondent is directed to consider the same and pass appropriate orders in accordance with law. For a period of one week from today, the respondents shall not effect any recoveries, to enable the petitioners file appeal.

Subject to above, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 27.10.2006
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THE HON'BLE MR JUSTICE N.V. RAMANA

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